

REMARKS

Claims 1, 3-12 and 14-16 remain in the present application. Claims 1 and 8 are amended, and no claims have been cancelled. Claim 1 is the sole independent claim.

Telephonic Interview

Applicants thank the Examiner for the courtesy of the telephonic interview conducted on September 18, 2008. Examiner Vo indicated that amending claim 1 to state “open pores defined by the embedded liquid microelements are uniformly distributed across a surface of the polishing layer” would be sufficient to overcome the art rejections over Kono.

Rejections under 35 U.S.C. § 112

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claim 8 to remove the term “comprises”. Applicants, therefore, respectfully request that the rejection to Claim 8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections under 35 U.S.C. § 102/103

Kono et al.

Claims 1, 3, 5, 7, 9-12, 14 and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over WO 01/97669 (US 6,943,138 “Kono” is used as the

English equivalent). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, the Examiner has indicated that the amendment to independent claim 1 is sufficient to overcome Kono. Claims 3, 5, 7, 9-12, 14 and 16, dependent, directly or indirectly, on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

The Applicants, therefore, respectfully request that the rejection to Claims 1, 3, 5, 7, 9-12, 14 and 16 under 35 U.S.C. § 102(b) or 103(a) be withdrawn.

Hirayama

Claims 1, 3-5, 7, 9-12, 14 and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative under 103(a) as being obvious over U.S. Patent No. 6,383,563 to Hirayama. Applicants respectfully traverse this rejection for the reasons detailed below.

The Office Action stated that Hirayama discloses a composite material comprising a substrate and a porous covering layer formed on the substrate; that the porous covering layer consists of a hydrophilic polymeric matrix and mineral oil embedded in the polymeric matrix in an amount of 1 to 30% by weight; that the mineral oil gives the pores having an average size of 3 microns or less; that the hydrophilic polymeric matrix includes polyethylene glycol; that it appears that the porous covering layer is made of the same materials as the polishing layer of the claimed invention; therefore, it is the Examiner's position that the same mechanisms will be expected as the

covering layer is abraded, i.e., the embedded mineral oil exposed at the surface of the covering layer; that the same token is applied to the semi-transparency of the covering layer as like material has like property; that the porous layer is applied to a camera lens, which is a transparent; and that, accordingly, Hirayama anticipates or strongly suggests the claimed subject material. Applicants respectfully disagree.

Hirayama appears to teach applying **a reaction mixture** containing polyol and silicone oil to a substrate in order to form a covering layer. The Examiner has not pointed out (nor can Applicants find) where Hirayama teaches or suggests “a polishing layer consisting of a **hydrophilic polymeric matrix** and liquid non-water soluble microelements embedded in the polymeric matrix, **wherein open pores defined by the embedded liquid microelements are uniformly distributed across a surface of the polishing layer**” as recited in independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claim 1 under 35 U.S.C. § 102(b) or 103(a) be withdrawn.

Claims 3-5, 7, 9-12, 14 and 16, dependent, directly or indirectly, on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 3-12 and 14-16 in connection with the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: _____


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